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Patent
Attorney's Docket No. 1021565-000060

1635
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Peter Michael Waterhouse et al.

Application No.: 09/287,632

Filed: April 7, 1999

For: METHODS AND MEANS FOR
OBTAINING MODIFIED
PHENOTYPES

) Group Art Unit: 1635
)
) Examiner: JANE J ZARA
)
) Confirmation No.: 6526
)
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**PETITION TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions, pursuant to 37 C.F.R. § 1.48(a), to correct the inventorship of the above-identified application.

Pursuant to 37 C.F.R. § 1.48(a)(1), Applicant states that the correct inventive entity of the present application is Peter Michael Waterhouse, Ming-Bo Wang, Michael Wayne Graham and Neil A. Smith. Accordingly, Applicants request that Neil A. Smith be added as a coinventor in the present application.

Pursuant to 37 C.F.R. § 1.48(a)(2), this petition is also accompanied by a statement of each person being added as an inventor that the error in inventorship occurred without deceptive intention on his part.

Pursuant to 37 C.F.R. § 1.48(a)(3), this petition is also accompanied by Declarations by the actual inventors as required by 37 C.F.R. § 1.63.

Pursuant to 37 C.F.R. § 1.48(a)(4), attached hereto is the fee set forth in 37 C.F.R. § 1.17(i).

Finally, pursuant to 37 C.F.R. § 1.48(a)(5), this petition is also accompanied by a document showing the written consent of the assignee and a Statement Under 37 C.F.R. § 3.73(b).

In view of the above, Applicants hereby petition that the inventive entity be changed to include Neil A. Smith.

This Petition is accompanied by the fee set forth in 37 C.F.R. § 1.17(i). No further fees are believed to be due by this paper. Nevertheless, the Commission is hereby authorized to charge any further fees under 37 C.F.R. §§ 1.116 and 1.117 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 13, 2006

By: 

Christopher L. North
Registration No. 50,433

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620



Patent
Attorney's Docket No. 021565-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WATERHOUSE et al.

Application No.: 09/287,632

Filed: April 7, 1999

For: METHODS AND MEANS FOR
OBTAINING MODIFIED PHENOTYPES

Group Art Unit: 1635

Examiner: Karen A. LaCourciere

Confirmation No.: 6526

DECLARATION OF NEIL A. SMITH

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Neil A. Smith, hereby declare that the erroneous omission of my name as a co-inventor of the above-cited application occurred without deceptive intention.

I declare further that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9 / APRIL / 2003

By: Neil Smith
Neil A. Smith

Attorney's Docket No. 021565-060

Combined Declaration and Power of Attorney
for Utility or Design Patent Application
Attorney's Docket No. 021565-060
Serial No. 09/287.632
Page 2 of 3

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Robert S. Swecker	19,885	Teresa Stanek Rea	30,427	Allen R. Baum	36,086
Platon N. Mandros	22,124	William C. Rowland	30,888	Brian P. O'Shaughnessy	32,747
Benton S. Duffett, Jr.	22,030	T. Gene Dillahunty	25,423	Kenneth B. Leffler	36,075
Norman H. Stepno	22,716	Patrick C. Keane	32,858	Fred W. Hathaway	32,236
Ronald L. Grudziecki	24,970	B. Jefferson Boggs, Jr.	32,344	Wendi L. Weinstein	34,456
Frederick G. Michaud, Jr.	26,003	William H. Benz	25,952	Mary Ann Dillahunty	34,576
Alan E. Kopecki	25,813	Peter K. Skiff	31,917	Donna M. Meuth	36,607
Regis E. Slutter	26,999	Richard J. McGrath	29,195	Mark R. Kresloff	42,766
Samuel C. Miller, III	27,360	Matthew L. Schneider	32,814	Nhat D. Phan	39,581
Robert G. Mukai	28,531	Michael G. Savage	32,596	Cindy A. Lynch	38,699
George A. Hovanec, Jr.	28,223	Gerald F. Swiss	30,113	Claude A.S. Hamrick	22,586
James A. LaBarre	28,632	Charles F. Wieland III	33,096		
E. Joseph Gess	28,510	Bruce T. Wieder	33,815		
R. Danny Huntington	27,903	Todd R. Walters	34,040		
Eric H. Weisblatt	30,505	Ronni S. Jillions	31,979		
James W. Peterson	26,057	Harold R. Brown III	36,341		

All practitioners associated with
Customer No. 21839



21839

Address all correspondence to:



21839

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Address all telephone calls to: Malcolm K. McGowan, Ph.D. at (703) 836-6620.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor	Peter Michael Waterhouse
Signature	<i>Peter Waterhouse</i>
Date	<i>9th April 2003</i>
Residence (City, State, Country)	Canberra ACT 2602, Australia
Citizenship	Australian and United Kingdom
Post Office Address	5 Banjine Street, O. Connor, Canberra, ACT 2602 Australia
Full Name of Second Joint Inventor, If Any	Ming-Bo Wang
Signature	<i>Mingbo Wang</i>
Date	<i>9th April 2003</i>
Residence (City, State, Country)	Canberra ACT 2612, Australia
Citizenship	Peoples Republic of China
Post Office Address	3/14 Masson Street, Turner, Canberra, ACT 2612 Australia

Full Name of Third Joint Inventor, If Any	Michael Wayne Graham
Signature	
Date	
Residence (City, State, Country)	St. Lucia QLD 4067, Australia
Citizenship	Australian
Post Office Address	42 Raglan Street, St. Lucia QLD 4067, Australia
Full Name of Fourth Joint Inventor, If Any	Neil A. Smith
Signature	<i>Neil Smith</i>
Date	9th APRIL 2003
Residence (City, State, Country)	Cook, ACT 2614 Australia
Citizenship	Australian
Post Office Address	27 Dwyer Street, Cook, ACT 2614 Australia
Full Name of Fifth Joint Inventor, If Any	
Signature	
Date	
Residence (City, State, Country)	
Citizenship	
Post Office Address	
Full Name of Sixth Joint Inventor, If Any	
Signature	
Date	
Residence (City, State, Country)	
Citizenship	
Post Office Address	
Full Name of Seventh Inventor, If Any	
Signature	
Date	
Residence (City, State, Country)	
Citizenship	
Post Office Address	

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY OR DESIGN PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS AND MEANS FOR OBTAINING MODIFIED PHENOTYPES

the specification of which (check only one item below):

☐ is attached hereto, and was amended on _____ (if applicable).

☒ was filed as United States application number 09/287,632 on April 7, 1999
and was amended on most recently 7/7/03 (if applicable).

☐ was filed as PCT international application number _____ on _____
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §§119 (a)-(d), 172 or 365 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §§119(a)-(d), 172 or 365:			
COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (MM/DD/YYYY)	PRIORITY CLAIMED UNDER 35 U.S.C. §§119, 172 or 365
U.S.A.	09/056,767	08/04/1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
U.S.A.	09/127,735	03/08/1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the attorneys and agent(s) associated with the following PTO Customer Number of Burns, Doane, Swecker & Mathis, L.L.P. to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Customer Number **2 1 8 3 9**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.	
NAME OF SOLE OR FIRST INVENTOR	
GIVEN NAME (first and middle (if any)) Peter Michael	FAMILY NAME OR SURNAME Waterhouse
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country) Canberra ACT 2602, Australia	CITIZENSHIP Australia & United Kingdom
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country) 5 Banjine Street, O. Connor, Canberra, ACT 2602, Australia	
NAME OF SECOND INVENTOR	
GIVEN NAME (first and middle (if any)) Ming-Bo	FAMILY NAME OR SURNAME Weng
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country) Canberra ACT 2612, Australia	CITIZENSHIP Peoples Republic of China
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country) 3/14 Masson Street, Turner, Canberra, ACT 2612, Australia	
NAME OF THIRD INVENTOR	
GIVEN NAME (first and middle (if any)) Michael Wayne	FAMILY NAME OR SURNAME Graham
INVENTOR'S SIGNATURE	DATE 24 June, 2005
RESIDENCE (City, State & Country) SL Lucia QLD 4067, Australia Jindalee, QLD, 4064, Australia	CITIZENSHIP Australia
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country) 42 Raglan Street, St Lucia QLD 4067, Australia 38 Cobbadah St, Jindalee, QLD, 4074, Australia	

NAME OF FOURTH INVENTOR	
GIVEN NAME (first and middle (if any)) Neil A.	FAMILY NAME OR SURNAME Smith
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country) Cook, ACT 2614, Australia	CITIZENSHIP Australia
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country) 27 Dwyer Street, Cook, ACT 2614, Australia	
NAME OF FIFTH INVENTOR	
GIVEN NAME (first and middle (if any))	FAMILY NAME OR SURNAME
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country)	CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country)	
NAME OF SIXTH INVENTOR	
GIVEN NAME (first and middle (if any))	FAMILY NAME OR SURNAME
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country)	CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country)	
NAME OF SEVENTH INVENTOR	
GIVEN NAME (first and middle (if any))	FAMILY NAME OR SURNAME
INVENTOR'S SIGNATURE	DATE
RESIDENCE (City, State & Country)	CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State, Zip & Country)	



Patent
Attorney's Docket No. 021565-060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WATERHOUSE et al.

Application No.: 09/287,632

Filed: April 7, 1999

For: METHODS AND MEANS FOR
OBTAINING MODIFIED PHENOTYPES

Group Art Unit: 1635

Examiner: Karen A. LaCourciere

Confirmation No.: 6526

CONSENT OF ASSIGNEE TO CHANGE IN INVENTORSHIP

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to 37 CFR 1.48(a)(5), the assignee in this case, Commonwealth Scientific and Industrial Research Organisation ("CSIRO") hereby consents to the correction of the inventorship of the above-identified application, by the addition of Neil A. Smith as a coinventor.

The undersigned has authority to act on behalf of the assignee in this matter.

By: _____

Title: Intellectual Property Manager

Date: 9th April 2003



Attorney Docket No. 1021565-000060

STATEMENT UNDER 37 C.F.R. 3.73(b)

Applicant/Patent Owner: Ming-Bo Wang et al.Application No./Patent No.: 09/287,632 Filed/Issue Date: April 7, 1999Entitled: METHODS AND MEANS FOR OBTAINING MODIFIED PHENOTYPESCommonwealth Scientific and Industrial Research Organisation ("CSIRO"), a(Name of Assignee)Corporation(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest. The extent (by percentage) of its ownership interest is _____ %.

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the application/patent identified above. An assignment by Peter Michael Waterhouse, Ming-Bo Wang, and Michael Wayne Graham was recorded in the United States Patent and Trademark Office at Reel 9286, Frame 0060, and an Assignment by Neil Smith, which is being submitted for recordation concurrently herewith, is also attached..
- ☐ Additional documents in the chain of the title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

September 13, 2006

Date

Christopher L. North

Typed or printed name

Signature

Attorney of Record

Title

ASSIGNMENT

(SOLE)

THIS ASSIGNMENT, by NEIL A. SMITH, residing at 27 DWYER STREET, COOK, ACT 2614 AUSTRALIA (hereinafter referred to as "the Assignor"), witnesseth:

WHEREAS, the Assignor has invented certain new and useful improvements in METHODS AND MEANS FOR OBTAINING MODIFIED PHENOTYPES set forth in an application for Letters Patent of the United States,

- (1) ☐ which is a provisional application
 - (a) ☐ bearing Application No. __, and filed on __;
 - (b) ☐ to be filed herewith; or
- (2) ☒ which is a non-provisional application
 - (a) ☒ bearing Application No. 09/287,632, and filed on APRIL 7, 1999;
 - (b) ☐ having an oath or declaration executed on even date herewith prior to filing of application;
 - (c) ☐ having an oath or declaration executed on a different date than this Assignment; and

WHEREAS, COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANIZATION, a corporation duly organized under and pursuant to the laws of AUSTRALIA, and having its principal place of business at LIMESTONE AVENUE, ACT 2601 CAMPBELL AUSTRALIA (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned inventions, the right to file applications on said inventions and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said application, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behoof and the use and behoof of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is the sole and lawful owner of the entire right, title, and interest in and to the inventions set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

Application No. 09/287,632
Attorney's Docket No. 021565-060

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said inventions or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said inventions in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said inventions, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignor hereby authorizes and requests the attorneys of BURNS, DOANE, SWECKER & MATHIS, L.L.P. of Alexandria, Virginia to insert in the spaces provided above the filing date, application number, and attorney docket number of said application when known.

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said inventions and the Letters Patent to be issued thereon for the sole use and behoof of the Assignee, its successors, legal representatives, and assigns.

Date 9th APRIL 2003 Signature of Assignor _____

Neil A. Smith
Neil A. Smith